

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LARRY P. LESTER,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security
Administration,

Defendant.

CASE NO. 3:15-CV-05382-DWC

ORDER ON PLAINTIFF'S MOTION
FOR AWARD OF ATTORNEY FEES
PURSUANT TO THE EQUAL
ACCESS TO JUSTICE ACT

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13. *See also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 5; Consent to Proceed Before a United States Magistrate Judge, Dkt. 6.

This matter is before the Court on Plaintiff's Motion for Attorney Fees Pursuant to 28 U.S.C. § 2412(D). Dkt. 17. Defendant has no objection to Plaintiff's motion. Dkt. 17, Exh. 2.

Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, ("EAJA"), Plaintiff's motion (Dkt. 17) , the Declaration of David Church (Dkt. 17, Exh. 2), the Declaration of Larry P. Lester, (Dkt. 17, Exh. 4), attorney time and expense itemizations (Dkt. 17, Exh. 3), Plaintiff's

1 memorandum of law (Dkt. 17, Exh. 4), and the relevant record, the Court orders EAJA attorney's
2 fees of \$5,557.62 be awarded to Plaintiff pursuant to EAJA and consistent with *Astrue v. Ratliff*,
3 130 S.Ct. 2521, 2524 (2010) ("EAJA Award").

4 The Acting Commissioner agrees to contact the Department of Treasury after this Order
5 is entered to determine if the EAJA Award is subject to any offset. If the U.S. Department of the
6 Treasury verifies to the Office of General Counsel that Plaintiff does not owe a debt, the
7 government will honor Plaintiff's assignment of EAJA Award and pay the EAJA Award directly
8 to the Law Office of David M. Church. If there is an offset, any remainder shall be made payable
9 to Plaintiff, based on the Department of the Treasury's Offset Program and standard practices,
10 and the check shall be mailed to Plaintiff's counsel, David Church, Law Office of David M.
11 Church, PLLC, P.O. Box 656, Moxee, WA 98936.

12 Dated this 8th day of December, 2015.

13
14 

15 David W. Christel
16 United States Magistrate Judge
17
18
19
20
21
22
23
24